

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Daniel Duchesneau

v.

Civil No. 12-cv-00401-JL

Asplundh Tree Expert Co.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **December 20, 2012.**

The Discovery Plan (document no. 6) is approved as submitted. Jury trial scheduled for **December, 2013.**

Based on the discussions between the court and counsel at the conference, the following are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the following affirmative defenses: First (statute of limitations); Fourth (laches, unclean hands, estoppel, waiver)

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Oral argument on dispositive motions. Counsel and the parties should anticipate that oral argument will be held on all dispositive motions. Any party preferring that such a motion be

decided on the written filings alone should so notify the clerk.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: December 20, 2012

cc: Benjamin T. King, Esq.
Mark T. Broth, Esq.